



Dan Skopec  
Acting Secretary

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

Certified Mail: 7003 1680 0000 6174 7770

April 14, 2006

Ms. Jacqueline Bretschneider  
Fire Marshal  
Gilroy City Fire Department  
7351 Rosanna Street  
Gilroy, California 95020

Dear Ms. Bretschneider:

The California Environmental Protection Agency (Cal/EPA), Office of Emergency Services, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the City of Gilroy Fire Department Certified Unified Program Agency (CUPA) on October 12 and October 13, 2005. The evaluation consisted of a review of program elements, an in-office program review and field inspections. Following the evaluation, the state evaluators completed an Evaluation Summary of Findings, which was reviewed with your agency's program management.

The evaluation summary of findings includes identified deficiencies, corrective action to be taken and timeframes for correction of identified deficiencies. Two additional evaluation documents completed during the evaluation are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

I have reviewed the enclosed copy of the Evaluation Summary of Findings and I find that the City of Gilroy Fire Department Certified CUPA program performance is satisfactory with some improvement needed. To update our files on your progress toward correcting the identified deficiencies, please provide a status report, using the attached format, within 30 days from receipt of this letter.

Cal/EPA also noted during this evaluation that the City of Gilroy Fire Department Certified CUPA has worked to bring about program innovations, such as using Microsoft Excel to maintain employee training records for ease of updating and tracking, in addition to maintaining all business plan and inventory lists in a central computer database program. We will be sharing program innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at [jbohon@calepa.ca.gov](mailto:jbohon@calepa.ca.gov).

Sincerely,



Don Johnson  
Assistant Secretary  
California Environmental Protection Agency

Enclosures

cc: Ms. Marcie Christofferson (Sent Via Email)  
State Water Resources Control Board  
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Mr. Tom Asoo (Sent Via Email)  
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Mr. Francis Mateo (Sent Via Email)  
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Mr. Fred Mehr (Sent Via Email)  
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Ms. Liz Haven (Sent Via Email)  
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Mr. Charles McLaughlin (Sent Via Email)  
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Ms. Vickie Sacamoto (Sent Via Email)  
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Mr. Moustafa Abou-Taleb (Sent Via Email)  
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Rancho Cordova, California 95741-9047

## **Deficiencies and Corrective Actions**

1. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

2. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

3. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

4. Deficiency: Brief description of deficiency

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8. Deficiency: Brief description of deficiency

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9. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here



STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY



Alan C. Lloyd, Ph.D.  
Agency Secretary

**CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION**  
**SUMMARY OF FINDINGS**

Arnold  
Schwarzenegger  
Governor

**CUPA: Gilroy City Fire Department**

**Evaluation Date: October 12 & 13, 2005**

**EVALUATION TEAM**

**Cal/EPA: Tina Gonzales**

**SWRCB: Marcie Christofferson**

**OES: Fred Mehr**

**DTSC: Tom Asoo**

**OSFM: Francis Mateo**

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Tina Gonzales at (916) 322-2155.

	<b><u>Deficiency</u></b>	<b><u>Preliminary Corrective Action</u></b>	<b><u>Timeframe</u></b>
1	The CUPA Summary Reports 2, 3, and 4 have not been submitted in a timely manner. The last 3 Summary Reports 02/03, 03/04, and 04/05 have been submitted late past their due dates of September 30 <sup>th</sup> .	Summary Reports 2, 3, and 4 are due September 30 <sup>th</sup> of each year. The reports need to be completed and mailed, faxed, or emailed to Cal/EPA by the due date as required.	Time Frame for completion: 1 year.
2	The CUPA's last two Summary Reports 03/04 and 04/05 showed they had left the Single Fee amount billed box blank. This box needs to be filled out to incorporate that information, which is due and reportable to Cal/EPA as the amount billed by the CUPA. The rate of collection will need to be compared to the rate of billing to show accountability of funds received. On the last Summary Report 04/05, shows the boxes for UST and Surcharge totals also left blank.	The Summary Reports need to have the amount billed for Single Fee, UST, and Surcharge Totals boxes filled in. The CUPA will need to check with its staff inspectors who are each keeping track of this information, and find a way to maintain this information in a database for access.	Time Frame for completion: 1 year.
3	The CUPA self audits are not complete, they do not	During the next self audit,	Time Frame

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	cover all aspects required of the self audit. An element missing is: A report of deficiencies and a corrective plan of action for correction of all program elements.	incorporate a heading for the report of deficiencies and a corrective plan for any deficiencies within all programs.	for Correction: 1 year.
4	CUPA's UNIDOC template for the <b>Emergency Response Plans and Procedures Title 19, Chapter 4, Section 2731</b> is missing; (c) mitigation, prevention, or abatement of hazards to persons, property, or the environment;	Add this to the Emergency Response/Contingency Plan Section.	<b>Corrected at evaluation.</b>
5	The CUPA has no Cal ARP Dispute Resolution process as defined in <b>Title 19, Chapter 4, Section 2780.1</b>	Include the Cal ARP Dispute Resolution Process (Section 2780.1) in the City of Gilroy Policies and Procedures.	<b>Corrected at evaluation.</b>
6	The CUPA is not always citing violations in a manner consistent with the definitions of Minor, Class II, or Class I as provided in statute and regulation. During the file review, violations were not properly cited for treatment without a valid permit, recalcitrant violation for training, and storing hazardous waste beyond accumulation time limits.	The CUPA shall provide training to their staff regarding proper classification of violations. Supervisor shall review the violations before they are entered into the data base system to ensure consistency.	30 Days
7	The CUPA is not always leaving a Notice to Comply for minor violations at the conclusion of the inspection. State statutes require the inspector to leave a Notice to Comply identifying the Minor hazardous waste violations and corrective measures at the conclusion of the inspection.	The CUPA shall change their practice of issuing the Notice to Comply by mail. The narrative page shall be used to identify the violation and the corrective measure; this information shall be left with the facility at the conclusion of the inspection.	Immediately
8	The CUPA is not collecting the annual PBR notification forms and acknowledging/authorizing in writing the PBR treatment (Won Ik Quartz)	The CUPA shall immediately collect a completed PBR notification form from Won Ik Quartz and ensure that future annual notifications are submitted on time. The CUPA shall update their Tiered Permitting procedures to include the annual receipt,	15 Days

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		review, and acknowledgement/authorization in writing of annual PBR notification form submittals.	
9	The UST Operating Permit does not describe all of the monitoring requirements of the UST system.	Revise the Permit to Operate to include identification of the method of monitoring used for the piping and UDC, etc.	60 days.

CUPA Representative

Tina M. Gonzales  
(Print Name)

TINA GONZALES  
(Signature)

Evaluation Team Leader

Jacqueline Bretschneider  
(Print Name)

Jacqueline Bretschneider  
(Signature)

## **PROGRAM OBSERVATIONS AND RECOMMENDATIONS**

1. **Observation:** Reviewing the training documents for the staff, it was hard to tell what classes the staff had taken for conferences attended.

**Recommendation:** It would be useful for staff to list individual classes attended at conferences by course title and hours given each class attended. All "soft skill" classes can be listed in this manner as well for showing all classes attended besides the technical skills.

2. **Observation:** Facility Site Plan and Storage Map Instructions – should include adjacent property use.

**Recommendation:** Include adjacent property use in the Facility Site Plan and Storage Map instructions.

3. **Observation:** The Santa Clara County Area Plan is organized chronologically on the three phases of emergency management.

**Recommendation:** Emergency management is four phases, Preparedness, Response, Recovery and Mitigation. Mitigation eliminates or reduces the need for response and recovery.

4. **Observation:** Inaccurate Annual Enforcement Summary Report data and Inspection Summary Report data was submitted due to inaccurate data tracking.

**Recommendation:** The CUPA should review data and correct inaccurate data information and train CUPA staff on proper data definitions (such as LQG vs SQG, Formal Enforcement vs Informal Enforcement, Classification of violations).

5. **Observation:** The Inspection Report has a field for identifying the different class of violations observed during the inspection; however, the information is seldom included on the report.

**Recommendation:** The CUPA should utilize their Inspection Report to identify the different classification of violations to aid CUPA staff in data tracking and to help the facility understand the severity of the violation.

6. **Observation:** The CUPA staff has access to cameras for inspections; however, photographs are not typically taken during their inspections.

**Recommendation:** Photographs are useful to document violations and the conditions at the facility. Photographs can help strengthen your case should enforcement become necessary. Always remember to date stamp photographs.

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7. **Observation:** When violations and corrective measures are identified in the Notice to Comply/Summary of Violations, there are times when additional details could have been provided.

**Recommendation:** The CUPA should be descriptive when detailing violations and corrective measures (e.g. the number, size, and location of containers/tanks in violation). Having a clear understanding of the violation and corrective measure not only helps the facility in returning to compliance, but also serves to strengthen your case should formal enforcement actions need to be taken.

8. **Observations:** When the CUPA conducts a re-inspection for return to compliance issues, there were times when no re-inspection report/document was used.

**Recommendations:** The CUPA should consider using some type of form to document re-inspections, return to compliance on violations, and recalcitrant violations.

9. **Observations:** In reviewing Business Plan and inventory files, some of files contained incomplete information such as: up to date permits, chemical inventories, annual certification, and inspection updates.

**Recommendations:** The CUPA should keep the files up-to-date to reflect that all information on each of the facilities be current.

10. **Observations:** The CUPA-DMS database information on the regulated facilities are current but the hard copies in the files does not reflect this, indicating that the files are not kept up-to-date, for example, businesses that were inactive have not been updated nor was there any indication that the businesses were closed or moved to a different location.

**Recommendations:** The CUPA should keep the same information in the database as well as in the files.

11. **Observation:** The CUPA Facility Self-Audit has an excellent format, but, does not directly mention individual programs and any changes to implementation, etc.

**Recommendation:** The SWRCB recommends that a brief description of individual programs be included in the self-audit. Describe any program implementation, inspection, and enforcement procedures, issues or changes, etc. that may have been encountered during the year. Include discussion of any workshops conducted, or other activity. Give a clear view of program implementation.

- 12 **Observation:** The CUPA has an extensive UST inspection policy and procedure document, but, the information does not necessarily correlate to the inspection checklist. If this is used as a training aid, it may be confusing to new inspectors. Example: the inspection policy gives directions for inspecting the overfill prevention device, but the inspection form does not have a reference that the inspector can show that it was inspected.

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**Recommendation:** The SWRCB recommends that the UST Inspection Policy and inspection checklist be revised to correlate more with each other.

**13. Observation:** The UST inspection checklist is relatively thorough, but, some items are ambiguous, and relies on the inspector to remember to check all components. Some important components are missing or need to be added due to the new law changes.

**Recommendation:** SWRCB recommends that the inspection checklist be revised to include the various components that are currently missing: leak detectors, overfill prevention, vent pipes, designated operator requirements, compliance certification. You may wish to distinguish annual spill bucket testing from the secondary-containment testing requirement.

**14. Observation:** The UST monitoring plan has the basic elements, but, does not reflect in-depth monitoring procedures for the various components: piping, UDC's, over-fill, or periodic maintenance of the tank system.

**Recommendation:** SWRCB recommends that the monitoring plan form be revised to give a more accurate in-depth picture of the facilities monitoring procedures and periodic maintenance schedule.

**15. Observation:** During review of three files, some documents were missing from the file, or the document was not up-to-date. Example: one file had a monitoring and response plan, but, it did not accurately describe the monitoring taking place; another file was missing the designated operator form and the owner compliance certification statement.

**Recommendation:** Develop a check-off list for compliance documents to ensure that all documents are submitted. Ensure that each document adequately describes the current site and/or operating conditions.

**16. Observations:** There is a Certification of Correction statement on the Unified Program Inspection Summary Report for hazardous waste violations, but not for other CUPA program violations (UST, Business Plan, etc.).

**Recommendations:** The SWRCB recommends that the Inspection Summary Report be revised to include an all-purpose certification statement for violations found under all program areas.

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**EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION**

1. The CUPA staff is providing good public relations by attendance in local community events by manning booths with educational materials, attending health fairs, and participation in the County Green Business program.
2. The CUPA customer service survey form is sent out with all permits in envelopes enclosed with a self-addressed stamped envelope, thereby increasing the percentage of returned surveys which are kept on file for response comparison and improvements in the CUPA program.
3. The CUPA is using their inspection and enforcement plan based on the CUPA Forum Board Model Plan as guidance to their inspection and enforcement activities.
4. The CUPA procedures and plans are kept in computer files available to staff quickly and easily when needed for reference.
5. The CUPA has a written AEO guidance document available and has used the AEO process for two cases so far.
6. The CUPA has good training documentation on it's employees, and is kept up to date with all recent training, and tracked using Microsoft excel and maintained in each of the staff's personnel files. Staff members obtain certificates when provided, or will write a brief memo describing class, hours, and the topics covered, if no certificate is issued.
7. The CUPA has good record management procedures which covers all the types of records kept, with retention times and disposal protocol.
8. The CUPA has excellent coordination and working relationship with Public Works Plans Check, the Fire Department and HMRT team.
9. The CUPA is fully staffed with three designated full time employees dedicated to the CUPA program. The CUPA has chosen to do annual inspections which are over and above the mandated frequencies.
10. The CUPA has added the waste water pretreatment program to their consolidated unified program inspections.
11. To ensure compliance, the CUPA inspects every regulated business every year.
12. The CUPA uses a program (CUPA/DMS) to keep all business plan information and inventory.
13. The Gilroy CUPA is situated in the same building with City Planning/Building staff which in effect has an operating one stop permit shop allowing for businesses to find out what permits may be needed all under one roof when they first come in the building to check on permits needed.

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- 14.** The CUPA does an excellent job of conducting UST facility annual inspections for all sites and coordinates the inspection with the annual monitoring certification and testing activity.
- 15.** The CUPA tracks activity for all UST facilities via their CUPA DMS database and reminds inspectors of upcoming compliance deadlines and other requirements. The CUPA does an excellent job of following up on non-compliant facilities.
- 16.** The CUPA issues an inspection summary at the time of inspection and provides a follow-up Notice to comply for all violations noted during the inspection which shows the violation, the inspector's name, date of inspection and correction date.